

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Examiner: Not Yet Assigned
D.D. Chambliss et al.	)	
Serial No.: Not Yet Assigned	)	
Filed: September 15, 2003	)	Art Unit: Not Yet Assigned
For: <b>METHOD, SYSTEM, AND</b>	)	
<b>PROGRAM FOR MANAGING</b>	)	
<b>INPUT/OUTPUT (I/O)</b>	)	
<b>PERFORMANCE BETWEEN</b>	)	
<b>HOST SYSTEMS AND</b>	)	
<b>STORAGE VOLUMES</b>	)	

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Dear Sirs:

In accordance with 37 CFR §§ 1.56, 1.97, and 1.98, enclosed please find Form PTO-1449 listing the attached references which might be deemed material to the examination of the above-identified application.

A. Non-English Language References

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

- B. ☒ The information disclosure statement submitted herewith is being filed
- 1) within three months of the filing date of a national application other than a continued prosecution application under 1.53(d);
  - 2) within three months of the date of entry into the national stage as set forth in 1.491 in an international application;
  - 3) before the mailing date of a first Office Action on the merits; or
  - 4) before the mailing date of a first Office Action after filing of a Request for Continued Examination under 1.114.
- C. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in paragraph B, but before the mailing date of a final action under 1.113, a Notice of Allowance under 1.311, or an action otherwise closing prosecution, and is accompanied by:
- 1) a Statement under 1.97(e); or
  - 2) a fee of \$180 as set forth in 1.17(p).
- D. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in paragraph C, but before payment of the issue fee, and is accompanied by:
- 1) a Statement under 1.97(e); and
  - 2) a fee of \$180 as set forth in 1.17(p).

**STATEMENT UNDER 1.97(e)**

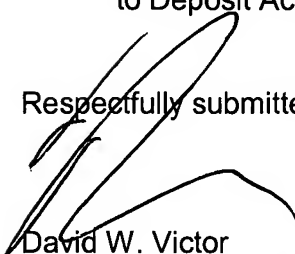
I, the person signing below, certify

- ☐ that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).
- ☐ that no item of information contained in the information disclosure statement was

cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

If required under paragraph C or D *supra*, enclosed is Applicant's check in the amount of \$180 as set forth in 1.17(p). Please charge any insufficiency or credit any overpayment to Deposit Account No. 09-0466. A duplicate of this letter is enclosed for fee processing.

Respectfully submitted,

  
David W. Victor  
Registration No. 39,867  
KONRAD RAYNES VICTOR & MANN, LLP  
315 S. Beverly Drive, Suite 210  
Beverly Hills, CA 90212  
(310) 556-7983  
(310) 556-7984 (fax)

Dated: September 15, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on September 15, 2003.

  
David W. Victor

9/15/03  
(Date)

Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	Not yet Assigned
				Filing Date	September 15, 2003
				First Named Inventor	D.D. Chambliss et al.
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Page	1	of	2	Attorney Docket Number	SJO920030006US1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number- Kind Code (if known)			
		US-6,003,047	12-14-1999	Osmond et al.	
		US-6,219,700	04-17-2001	Chang et al.	
		US-6,363,053	03-26-2002	Schuster et al.	
		US-2002/0019908	02-14-2002	Reuter et al.	
		US-2002/0052941	05-02-2002	Patterson	
		US-2002/0056005	05-09-2002	Weik	
		US-2002/0116479	08-22-2002	Ishida et al.	
		US-2002/0133328	09-19-2002	Bowman-Amuah	
		US-2002/0138610	09-26-2002	Miyazawa et al.	
		US-2002/0138642	09-26-2002	Miyazawa et al.	
		US-2002/0152305	10-17-2002	Jackson et al.	
		US-2002/0156867	10-24-2002	Iwami	
		US-2002/0169266	11-14-2002	Lim et al.	
		US-2002/0174222	11-21-2002	Cox	
		US-2002/0174227	11-21-2002	Hartsell et al.	
		US-2002/0194324	12-19-2002	Guha	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code- Number- Kind Code				
		WO-01/59967	08-16-2001	Hu et al.		
		WO-02/39693	05-16-2002	Hartsell et al.		
		WO-02/089014	11-07-2002	Guha		

Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	Not yet Assigned	
			Filing Date	September 15, 2003	
			First Named Inventor	D.D. Chambliss et al.	
			Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Page	2	of	2	Attorney Docket Number	SJO920030006US1

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
		IBM CORPORATION, "Ethernet Bandwidth Management", <i>IBM Technical Disclosure Bulletin</i> , March 1994, pp. 591-594, Vol. 37, No. 3.	
		IBM CORPORATION, "TN3270(E) Host Based Correlation and Performance Management", <i>IBM Research Disclosure</i> , June 1998, Number 410137.	
		US Patent Application Serial No. 09/543,207, filed on April 5, 2000, entitled "Highly Scalable System and Method of Regulating Internet Traffic to Server Farm to Support (Min/Max) Bandwidth Usage-Based Service Level Agreements", invented by K. Maruyama, G. Goldszmidt, & K. Appleby-Hougham.	
		US Patent Application Serial No. 09/642,526, filed on August 18, 2003, entitled "Electronic Service Level Agreement for Web Site and Computer Services Hosting", invented by A. Dan, D. Dias, & J. L. Hellerstein.	
		US Patent Application Serial No. 10/315,376, filed on December 10, 2002, entitled "Programmatically Allocating Memory among Competing Services in a Distributed Computing Environment", invented by J. Chase & R. Doyle.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--